

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DUNCAN R. GRAY,

Plaintiff,

-against-

INTERNAL REVENUE SERVICE, *et al.*,
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/12/2024

24-CV-2621 (VSB) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

This action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Operative Complaint

The Court notes that plaintiff Duncan R. Gray, proceeding pro se, commenced this action on April 4, 2024 (Dkt. 1), against defendant Internal Revenue Service (IRS). On September 6, 2024, plaintiff filed an amended complaint, listing the IRS and Assistant U.S. Attorney Danielle J. Marryshow – counsel for the IRS in this action – as defendants. (Dkt. 10.) On September 19, 2024, with the consent of the IRS, plaintiff filed an "Amendment to the Amended Complaint" (Dkt. 11), which names only the IRS as a defendant, and which remains the operative complaint in this matter.

Motion to Dismiss

Defendant IRS filed a motion to dismiss the operative complaint on October 30, 2024. (Dkt. 14.) In light of the motion to dismiss, the Court will not schedule a case management conference at this time, and does not require a joint letter from the parties. Therefore, defendant's request to adjourn the deadline to submit a joint letter (Dkt. 22), is denied as moot.

In light of plaintiff's *pro se* status, plaintiff's response to defendant's motion is due no later than **November 29, 2024**.

Defendant's reply, if any, is due no later than **December 13, 2024**.

Guidance for the Pro Se Plaintiff

Plaintiff is hereby notified that *pro se* parties may file pleadings, letters, and other documents with the Court by using any of the following methods:

- a. Drop off the document in the drop box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY 10007.
- b. Mail or deliver the documents to the Pro Se Intake Unit in Room 105 in the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007. The Pro Se Intake Unit (telephone (212) 805-0175) may be of assistance to *pro se* litigants in connection with court procedures, but cannot provide legal advice.
- c. Email the documents to Temporary_Pro_Se_Filing@nysd.uscourts.gov. Instructions for filing documents by email may be found on the Court's website at nysd.uscourts.gov/forms/instructions-filing-documents-email.

Plaintiff may wish to contact the Federal Pro Se Legal Assistance Project in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves in civil lawsuits in this court. The project is run by a private organization; it is not part of, or run by, the Court. It cannot accept filings on behalf of the Court, which must still be made by any *pro se* party through the Pro Se Intake Unit.

To receive limited-scope assistance from the project, parties may complete the clinic's intake form on their computer or phone at: <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>. If parties have questions regarding the form or they are unable to complete it, they may leave a voicemail at (212) 382-4794. A copy of a flyer with details about the project is attached to this Order.

The Clerk of the Court is respectfully directed to remove Danielle J. Marryshow as a listed defendant on the docket, and to close the motion at Dkt. 22.

Dated: New York, New York
November 12, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge